

Superannuation fund privacy policy



This Privacy Policy applies to the ING Superannuation Fund (**Fund**). Diversa Trustees Limited ABN 49 006 421 638, AFSL 235153, RSE L0000635 (**Trustee**) is the Trustee of the Fund ABN 13 355 603 448 (Fund) and the issuer of interests in the Fund. ING Living Super is a product issued out of the Fund. ING Bank (Australia) Limited ABN 24 000 893 292, AFSL 229823 (trading as **ING**), is the Promoter of the Fund. The terms "we", "us" or "our" means the Fund, Trustee and/or ING.

We are committed to ensuring the confidentiality and security of your personal information. We are bound by the *Privacy Act, 1988* including the Australian Privacy Principles (**APPs**) set out in that Act to guide us in our responsible handling of personal information. The Privacy Act contains a number of exemptions, for example in relation to disclosure of personal information to related bodies corporate, and we may rely on these exemptions despite this Privacy Policy.

1. What personal information do we collect?

In simple terms, personal information is information or an opinion about an identified individual or an individual who can reasonably be identified. The type of personal information we collect may include your name, mailing address, date of birth, email address, telephone number, tax file number, annual income and other financial details.

Sensitive information

We may collect personal information about you which is sensitive, such as information about your health or criminal record. Unless the collection of sensitive information is required or authorised by law or a court order, we will obtain your consent to its collection only if we need it to provide you with a specific product or service (such as certain types of insurance).

Tax File Number

The Trustee is required to request the collection of your Tax File Number (**TFN**) under certain legislation. The handling of TFNs is also regulated under the Privacy Act through Guidelines issued by the Office of the Australian Information Commissioner.

The continued confidentiality and security of your TFN will be maintained in accordance with these Tax File Number Guidelines.

Dealing with us anonymously or by use of a pseudonym

You can deal with us anonymously or by a pseudonym (e.g. an email address that doesn't contain your actual name) in some circumstances, such as when you make inquiries about our products and services. However, we'll need to know (and verify) who you are before we can provide you with our financial products and services.

2. How we collect your personal information

We collect most personal information directly from you. For instance, your personal information will be collected when you complete an application form or provide other forms of instructions relating to your account in the Fund, when you apply for insurance or submit an insurance claim or in response to a request for additional information. We may also collect your personal information through customer surveys or questionnaires for the purpose of obtaining your feedback on our products and services.

Occasionally, we may need to source personal information about you from a third party, but only if you've consented to us collecting the information in this way or you would reasonably expect us to collect the information about you from a third party. For instance, we may collect certain personal information about you from government departments.

3. Why we hold, use and disclose your personal information

The general rule is that we will not hold, use or disclose your personal information other than for the purposes stated at the time of the collection. If we want to use your personal information for another purpose, we will seek further consent from you, unless that other purpose is related to one of the original purposes of collection and you would reasonably expect us to use your personal information for that other purpose, or the use or disclosure is required or authorised by law or for law enforcement.

We collect, hold, use and disclose your personal information for the following reasons:

- to assist in providing you with information about financial products or services including in relation to the Fund;
- to assess your application and eligibility for financial products or services;
- to establish your account in the Fund, to process contributions to your account, to correspond with you and to provide you with superannuation benefits and investment options in the Fund. This may involve us collecting information on behalf of another organisation undertaking services in relation to the Fund and to generally administer the Fund, your account in the Fund and our relationship with you;
- to assist us to run our business, including using information for training purposes, risk management, systems development and testing, archiving, record keeping, product and service development, undertaking planning, research and statistical analysis and other operational and administrative tasks;
- unless you tell us otherwise, to provide you with further information about other ING products and services and products and services from selected service providers with whom we have a relationship;
- to safeguard the security and integrity of the Fund, the ING Group and the financial sector, including preventing fraud and other criminal or undesirable activities in relation to the Fund, ING Group, its customers and staff or other financial institutions; and
- to comply with our legal and regulatory obligations (including under superannuation law, taxation law, the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (**AML/CTF Act**), codes of conduct and external payment systems). We will identify the law or regulation that authorises or requires us to collect your personal information at the time of collection (or as soon as possible after we collect it).

If you do not provide us with the requested information we will generally not be able to provide you with products or services in relation to the Fund. You also can withdraw your consent in relation to any particular use of your personal information at any time. However, again, if you withdraw your consent we will generally not be able to provide you with products or services in relation to the Fund

4. Disclosure of your personal information to other parties

It may be necessary for us to disclose your personal information to certain ING Group entities or third parties in order to assist us in providing, managing and administering your account in the Fund or for other related purposes. These include:

- the administrator of the Fund undertaking the administration and day-to-day operation of the Fund including establishing and maintaining member records, processing contributions, rollovers and benefits, and providing regular statements;
- the custodian of the Fund providing custody services;
- the insurer responsible for providing insurance cover and assessing insurance claims to members of the Fund;
- the broker or share trader responsible for buying and selling of listed securities;
- the provider of financial tools and calculators on the designated Fund website;
- the ATO as required by law, to administer your account in the Fund, to conduct searches on the ATO's Lost Member Register and to facilitate the consolidation of your superannuation with your consent;
- Government authorities as required or desirable in administering and conducting the business of the Fund, including in complying with relevant regulatory or legal requirements;
- the trustee of another fund where you request that your superannuation be transferred from another superannuation fund into your interest in the Fund or where you request that your superannuation be transferred into another superannuation fund;
- organisations providing financial planning services with which we have entered into an agreement for them to provide financial planning advice services to members of the Fund;
- your financial adviser, your power of attorney, or your appointed representative;
- entities in the ING Group or Diversa Trustees Group in order to service the Fund or other products you may have within these Groups;
- ING Group entities located overseas for administration and security purposes;
- any third party product and service supplier that we have an arrangement with (so that either us or they may provide you with the product or service you have requested or in which you have expressed an interest);

- organisations who perform services or functions on our behalf;
- organisations undertaking reviews of the accuracy and completeness of our information;
- organisations undertaking identity verification services to verify information about you including your identity; and
- doctors, medical services or other organisations providing services in the collection, collation or assessment of personal information (including health information) for the purpose of assessing your claim.

Any example used above to indicate when we might disclose personal information may not be limited to those examples (or examples of a similar kind).

Other disclosures

Personal information will only be disclosed to third parties other than those listed above:

- if you have expressly consented to your personal information being supplied to others, which we will usually obtain from you in writing. We can also ask you to consent verbally in some circumstances;
- if you would reasonably expect us to disclose information of that kind to those third parties; or
- if we are authorised or required to do so by law or if it is necessary to assist with law enforcement. For example, a regulator (such as the Australian Taxation Office or the Australian Securities & Investments Commission), a Court or the police can compel us to disclose personal information to them.

Outsourcing

We disclose information when we outsource certain services or functions, including mailing services, document storage services, direct marketing, data verification services, information technology support and printing our standard documents and correspondence. Organisations performing services on our behalf are required to comply with our confidentiality and privacy requirements.

Sending information overseas

We may have to send personal information overseas for example, if required to complete a transaction or where we outsource a function to an overseas contractor. Your personal information may be accessed by staff in ING Group entities in Singapore and the Netherlands if necessary to administer our relationship with you, for transactional reasons or to comply with regulatory requirements applying to us or the ING Group.

We will take reasonable steps to ensure that if your personal information is disclosed to third parties located overseas they do not breach the APPs in relation to your personal information.

Life insurance

For life insurance cover we may collect health information on behalf of the insurer with your consent. Your health information will be disclosed to service providers (such as doctors, insurers and assessors) who are directly involved in the assessment of any claim and to other third parties where you provide your consent.

Family law proceedings

Under the *Family Law Act 1975*, certain persons may request information about your interest in a superannuation fund. We may, if requested, be required to provide information about your interest in the Fund to your spouse or to a person who intends to enter into an agreement with you about splitting your superannuation interests in the event of a separation or divorce. The request must be in a form prescribed by law. The law prevents us from telling you about any such request for information.

5. Marketing

We may use your personal information to offer you products and services that we believe may interest you, but we won't if you tell us not to. We do not sell or rent your personal information to any unrelated third parties for their marketing purposes without your explicit consent.

However, we may supply your personal information to direct marketing agencies, other ING Group entities or any of the service providers in relation to the Fund for the sole purpose of those companies contacting you about ING Living Super or other ING products and services that may be of interest to you.

If you don't want to receive marketing offers from us about our products and services or those of another ING Group entity or third party service providers with whom we have a relationship, please let us know by contacting us by any of the means set out in Section 10 ("How to contact us about privacy").

We will act promptly on your request and will also ensure that each electronic marketing message sent (e.g. by email) includes a method that enables you to tell us you do not want to receive future electronic marketing material.

6. How to access & correct your personal information that we hold

Access

You may request access to limited amounts of personal information that we hold about you that are readily available – such as your account balance or personal details – by calling us on 133 464.

For a more detailed request for access to information that we hold about you, you will need to write to the ING Privacy Officer at GPO Box 4094, Sydney NSW 2001. We may request that you specify the information you wish to access, to help us quickly identify and retrieve that information for you.

Please note that requests for access to your personal information may only be made by you or by another person who you have authorised to make a request on your behalf, such as a legal guardian or authorised agent. We will require you to verify your identity, or the identity and authority of your representative, to our reasonable satisfaction.

An access charge may apply, but not to your request for access itself. In particular, we may impose a reasonable charge for providing access to this information to recover any expenses incurred in retrieving and collating the requested information. Please refer to the PDS or contact ING for details of any applicable access charge.

We will respond to your access request as soon as possible and tell you how long it will take to provide the information. This will usually be in less than 14 days, but may be up to 28 days in some circumstances.

We may exercise our right to deny access to particular information in certain situations, for example where access may reveal our commercially sensitive decision processes or where the information relates to existing or anticipated legal proceedings or where it will threaten the privacy of other individuals.

If we deny you access to your personal information, we will write to you to:

- explain the reason your access request has been denied unless it would be unreasonable for us to do so given the grounds on which we have based our refusal; and
- the avenues available to you to complain about our refusal.

If we refuse to give you access, if appropriate, we will attempt to find alternative means to enable you to access the information, for example, through a mutually agreed intermediary.

Correction

We take reasonable steps to ensure that your personal information is accurate, up-to-date, complete, relevant and not misleading. For instance, we may ask you to confirm some of your details when you contact us. However, please contact us if you learn that any of your personal information that we hold is incorrect, has changed or requires updating.

We will respond to your correction request as soon as possible – or immediately, if you contact us by phone – and tell you how long it will take us to consider your correction request. This will usually be in less than 14 days, but may be up to 28 days or more in unusual circumstances.

We will promptly update your personal information if it is inaccurate, out-of-date, incomplete, irrelevant or misleading having regard to the purpose for which it is held by us. If we correct the personal information the subject of your correction request and we have previously disclosed that information to a third party, we will notify that third party of the corrected information (if we're required to do so by law).

If we disagree with your request to correct your personal information we will write to you to:

- explain the reason that your correction request has been denied unless it would be unreasonable for us to do; and
- the avenues available to you to complain about our refusal.

If we disagree with your request to correct your personal information, you also have the right to ask us to attach a statement that in your opinion the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

7. Storage and protection of your personal information

The personal information we hold is stored in a combination of secure computer storage facilities and paper based files and other records.

We are committed to protecting your personal information from misuse, loss and interference. We also protect it from unauthorised access, modification and disclosure.

We limit access to those staff and service providers properly authorised to have access, including to those staff and service providers required to provide investment management, custodial, insurance, share trading and administration services in relation to the Fund.

We have in place a range of security measures designed to prevent unauthorised access or disclosure of your personal information, including physical security (such as locks and security systems over our electronic and paper stores and premises) and up-to-date computer and network security systems.

We de-identify or destroy your information when we no longer need it

If we no longer require your personal information for a purpose, for example, to manage your financial product or provide you with a financial service, then we will take reasonable steps to securely destroy it or permanently remove all identifying features from that information. This obligation is subject to any legal requirements to keep personal information for a certain period of time – in most cases, personal information records are kept for a period of 10 years after an account is closed.

8. Online security

Cookies

We may use “cookies” to assist you in accessing information on our websites which is of interest and relevance to you. Cookies are a way of storing information on your computer so you do not have to enter the same data every time you access our websites - for instance, your email address. We may also use cookies and other technology to capture general information about how you have found our website, or to track the number of visitors to a site. This general information may identify a user’s browser type and your internet service provider, but this information alone does not identify an individual.

If you have any concerns about this technology and do not wish to accept cookies, you can adjust the settings on your browser to not accept them or to prompt you every time they are about to be stored.

Internet banking

All customers receive a Client Identification Number and Access Code to access their account online. Your Client Number and Access Code are unique identifiers for you. As such, it is a condition of your account to keep your Access Code and any other codes confidential and secure at all times.

The complete terms and conditions relating to the use of the ING Interactive Service (including online banking) are outlined in the ING Living Super Product Disclosure Statement and Product Guide.

If you believe or suspect that your codes may have been disclosed to another person or you want to change your Access Code, please contact us immediately by calling one of our Customer Care Specialists 24 hours a day, 7 days a week on 133 464.

Linking

Our website may link to other websites that do not belong to any ING Group entity. However, please be aware that we can’t guarantee that the privacy standards of those linked websites will be the same as ours.

9. Changes to this policy

We may make changes to our privacy and information handling processes from time to time. To the extent necessary, we will update this policy to reflect those changes and publish it on our websites.

10. How to contact us about privacy

If you wish to obtain further copies of this policy please contact us or download the policy from ing.com.au.

If you have any further questions about privacy in relation to the Fund please contact us by:

- calling 133 464
- emailing customer.service@ing.com.au
- writing to:
ING Privacy Officer
GPO Box 4307
Sydney NSW 2001

11. What to do if you have a privacy complaint

We are committed to resolving your privacy complaint as quickly as possible and have procedures in place to help resolve any problems or complaints efficiently. Our aim is to assist you by reaching a satisfactory solution as soon as possible.

If you have a complaint or a concern about privacy in relation to the Fund, including if you consider that we have breached the Privacy Act or other applicable Privacy Code that applies to us, please contact the Privacy Officer by one of the means set out above.

If you are not satisfied with how the complaint or concern about privacy is resolved, you may take your complaint to an independent external dispute resolution body. We will advise you of the contact details for that body when we communicate with you about your complaint.

If you are not satisfied with how your complaint is resolved by that external dispute resolution body, then you can take your complaint to the Office of the Australian Information Commissioner. The Commissioner can be contacted on the privacy hotline 1300 363 992 or by going to www.oiac.gov.au.

Please go to the “Complaints and Disputes” section of the ING Living Super Product Disclosure Statement for information on how we deal with your complaints that are not privacy related.

Handling your privacy complaints

We aim to:

- acknowledge receipt of your complaint either at the time of your call or within 7 days for written complaints; and
- resolve your complaint within 28 days. In certain circumstances that may not be possible.

If we form the view that we can't resolve your complaint within 28 days, we will notify you of the reason for the delay and the expected timeframe to resolve your complaint.